



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:	)	Examiner: Bunner, Bridget E.
Kevin P. BAKER, et al.	)	Art Unit: 1647
Application Serial No. 10/020,063	)	Confirmation No: 9309
Filed: December 13, 2001	)	Attorney's Docket No. 39780-2830 P1C65
For: <b>SECRETED AND</b>	)	<b>Customer No. 35489</b>
<b>TRANSMEMBRANE</b>	)	
<b>POLYPEPTIDES AND NUCLEIC</b>	)	
<b>ACIDS ENCODING THE SAME</b>	)	

EXPRESS MAIL LABEL NO. EV 582 628 102 US  
DATE MAILED: FEBRUARY 3, 2005

INFORMATION DISCLOSURE STATEMENT UNDER 37 C.F.R. §1.97

**MAIL STOP AMENDMENT**

Commissioner for Patents  
PO Box 1450  
Alexandria, Virginia 22313-1450

Sir:

Listed below or on an attached Form PTO-1449 is information known to applicant(s). A copy of each listed publication and U.S. and foreign patent, except for pending U.S. applications, is being submitted herewith, along with a concise explanation of information in a foreign language, if any, pursuant to 37 C.F.R. §1.97-1.98.

Applicants respectfully request that the listed information be considered by the Examiner and be made of record in the above-identified application. If form Supplemental PTO-1449 is enclosed, the Examiner is requested to initial and return it in accordance with MPEP §609.


This statement is not intended to represent that a search has been made or that the information cited in the statement is, or is considered to be, material to patentability as defined in §1.56.

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- ☐ This statement qualifies under 37 C.F.R. §1.97, subsection (b) because (check all that apply):
- ☐ (1) It is being filed within 3 months of the application filing date and is other than a continued prosecution application under § 1.53(d)  
-- OR --
- ☐ (2) It is being filed within 3 months of entry of a national stage  
-- OR --
- ☐ (3) It is being filed before the mail date of the first Office Action on the merits  
-- OR --
- ☐ (4) It is being filed before the mailing of a first Office Action after the filing of a request for continued examination under § 1.114.
- ☒ 37 C.F.R. §1.97(c). If this statement is being filed after the latest of: (1) three months beyond the filing date of a national application; (2) three months beyond the date of entry of the national stage as set forth in §1.491 in an international application; or (3) the mailing date of a first Office action on the merits, but before the mailing date of the earlier of a final office action under §1.113 or a notice of allowance under §1.311, then:
- ☐ a certification as specified in §1.97(e) is provided below; **or**
- ☒ a fee of **\$180.00** as set forth in §1.17(p) is authorized below, enclosed, or included with the payment of other papers filed together with this statement.
- ☐ 37 C.F.R. §1.97(d). If this statement is being filed after the mailing date of the earlier of a final office action under §1.113 or a notice of allowance under §1.311, but before payment of the issue fee, then:
- A. a certification as specified in §1.97(e) is completed below; and
- B. a petition under 37 C.F.R. §1.97(d) requesting consideration of this statement is submitted herewith; **and**
- C. a fee of \$130.00 as set forth in §1.17(i)(1) is authorized below, enclosed, or included with the payment of other papers filed together with this statement.
- ☒ **Fee Authorization.** The Commissioner is hereby authorized to charge the above-referenced fees of **\$180.00** and charge any additional fees or credit any overpayment associated with this communication to Deposit Account No. **08-1641 (Attorney's Docket No. 39780-2830 P1C65).**

Respectfully submitted,

Dated: February 3, 2005

By:   
Anna L. Barry (Reg. No. 51,436)

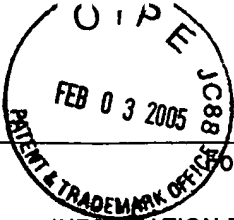
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Form PTO-1449 <b>INFORMATION DISCLOSURE STATEMENT</b>				Attorney's Docket No. 39780-2830 P1C65		Application Serial No. 10/020,063		
				Applicant(s) <div style="text-align: right;">Kevin P. BAKER, et al.</div>				
(use several sheets if necessary)				Filing Date: December 13, 2001		Group Art Unit: 1647		
<b>U.S. PATENT DOCUMENTS</b>								
Examiner Initials	Ref. No.	Date	Document No.	Name	Class	Subclass	Filing Date (if appropriate)	
<b>FOREIGN PATENT DOCUMENTS</b>								
Examiner Initials	Ref. No.	Date	Document No.	Name	Class	Subclass	Translation	
							YES	NO
<b>OTHER DOCUMENTS</b> (including author, title, date, pertinent pages, etc.)								
Examiner Initials	Ref. No.	Title						
	1.	Hanna, J.S., et al., "HER-2/neu Breat Cancer Predictive Testing", Oathology Associates Medical Laboratores - (1999).						
	2.	Hyman, E., et al., "Impact of DNA Amplification on Gene Expression Patterns in Breast Cancer <sup>1,2</sup> ", <i>Cancer Research</i> - 62:6240-6245 (2002)						
	3.	Orntoft, T.F., et al., "Genome-wide Study of Gene Copy Numbers, Transcripts, and Protein Levels in Pairs of Non-Invasive and Invasive Human Transitional Cell Carcinomas", <i>Molecular &amp; Cellular Proteomics</i> - 1:37-45 (2002)						
	4.	Pollack, J.R., et al., "Microarray Analysis Reveals a Major Direct Role of DNA Copy Number Alteration in the Transcriptional Program of Human Breast Tumors", <i>PNAS</i> - 99(20):12963-12968 (2002)						

<b>EXAMINER:</b>	<b>DATE CONSIDERED:</b>
EXAMINER: Initial if citation considered, whether or not the citation conforms with MPEP 609. Draw a line through the citation if not in conformance and not considered. Include a copy of this form with next communication to applicant.	
*If an asterisk is placed beside the reference number, a copy is not provided because the reference was previously cited by or submitted to the PTO in a prior application that is identical in the statement and relied upon for an earlier filing date under 35 U.S.C. §120. 37 C.F.R. §1.98 (d).	